



4-30-04

9200/2881

#8

PATENT

EXPRESS MAIL CERTIFICATE OF MAILING

Express Mail Certificate No. **EV283924063US**

I hereby certify that this correspondence is, on the date shown below, being:

1. Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action (37 CFR 1.181)(original)(4 pages) w/Attachments (19 pages)

deposited as Express Mail "Post Office to Addressee" with the United States Postal Service in an envelope addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: **April 28, 2004**

Kathy E. Raymond
Kathy E. Raymond

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Toshiki Tajima	Docket No. :	IL-10626
Serial No. :	09/757,150	Art Unit :	2881
Filed :	01/08/2001	Examiner :	Nikita Wells
For :	LASER DRIVEN ION ACCELERATOR		

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION (37 CFR 1.181)**

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

The Office letter mailed on July 17, 2003 for the above-identified nonprovisional application was never received by this office (practitioner) and is presumed lost in the mail. As such, no reply was filed within the statutory time period and the application has been abandoned by operation of law. The following statement and submission are presented to establish nonreceipt of the Office letter mailed on July 17, 2003.

PETITION FEE

There is no petition fee required. (37 CFR 1.181(a)).

RECEIVED

NOV 12 2004

**OFFICE OF THE SPECIAL
PROGRAMS EXAMINER**

STATEMENT OF FACTS

Applicant states that the original Office letter mailed on July 17, 2003 was never received in this office and that the application has gone abandoned due to no error on the Applicant's part. A search of the file jacket docket and records has been completed and indicates the Office letter mailed on July 17, 2003 was never received. A search of our electronic database and monthly reports also indicates the Office letter mailed on July 17, 2003 was never received.

On March 26, 2004 the Examiner contacted me by telephone. He asked whether we intended to file or had filed a response to the Office Action mailed July 17, 2003. My assistant, Kathy Raymond, located the file folder and we reviewed the documents in the file folder. I advised the Examiner that we had not received the Office Action mailed July 17, 2003. The Examiner sent us a fax copy of the Office Action mailed July 17, 2003. On April 7, 2004 we received the Notice of Abandonment mailed April 5, 2004.

My assistant Kathy Raymond and I reviewed and conducted searches including searches of our filing system, of the file jacket docket, of the file folder, of our records, and of our electronic records. The search has been completed and indicates the Office letter mailed on July 17, 2003 was never received.

The search of our electronic database and monthly reports indicates the Office letter mailed on July 17, 2003 was never received. As of this date, the Office letter mailed on July 17, 2003 has not been received by this office.

Practitioner's procedures includes the following: It is long established office procedure of practitioner that all incoming correspondence and office actions are opened and date stamped by our docketing specialist on the day it is received. The file docket is pulled from the vault and matched to the office action. The docketing specialist handwrites the type of prosecution, mailing date from the USPTO, and the response due date on the jacket cover of the docket. The office action is then attached to the top cover of the file docket. At the same time, the office action is also entered into our electronic patent

prosecution tracking database in the Patent Status field, the mailing date from the USPTO next to the corresponding prosecution field, and the date the response is due in the Response Due field. Reports are generated from these fields to document upcoming prosecution due dates and completed prosecution. The docket, with office action attached to the top, is then reviewed by the Deputy Laboratory Counsel and then distributed to the assigned attorney for response. When the response is completed and mailed, the original office action and response is hole punched and securely filed in the file docket, the action posted to the electronic database, monthly report, and date submitted handwritten on the front jacket cover of the docket.

SUBMISSION OF EVIDENCE/PROOFS

Attached is a copy of the PAIR printout dated April 15, 2004 showing the search result for the file history indicating the Office letter mailed on July 17, 2003 was not received (see Attachment A).

Also attached is a copy of the front cover of our docket file documenting prosecution history with copies of return postcards for all prosecution sent to the USPTO on this application (see Attachment B). Please note the front cover lists all prosecution activity on the left hand side with the mailing date as printed on the office actions received from the USPTO immediately to the right. The Response Due column lists the date the response is due to the USPTO. The Date Submitted column is the actual date our response is mailed to the USPTO.

A copy of the electronic database record for this application IL 10626 that we use to track prosecution due dates is also attached (see Attachment C). Copies of our Monthly Reports for July 2003, August 2003, and September 2003 to show all replies docketed for a date three months from the mail date of the office actions are enclosed as additional documentary proof of nonreceipt of the Office letter mailed on July 17, 2003 (See

Attachment D). A copy of fax copy of the Office letter mailed on July 17, 2003 received in our office on March 26, 2004 is enclosed as Attachment E.

ACTION REQUESTED

Applicant hereby petitions for withdrawal of holding of abandonment of this nonprovisional application.

If any impediment to prompt allowance should remain or further action which would expedite allowance which could be resolved by telephone, please call Applicant's Attorney at (925) 424-6897.

Respectfully submitted,



Eddie E. Scott
Attorney for Applicants
Registration No. 25,220

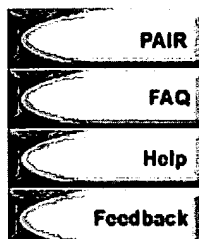
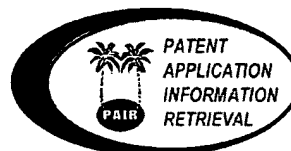
Dated: April 27, 2004
Livermore, California



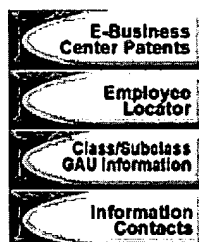
United States Patent and Trademark Office

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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Search results for application number: 09/757,150			
Application Number:	09/757,150	Customer Number:	-
Filing or 371(c) Date:	01-08-2001	Status:	Abandoned -- Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	04-04-2004
Examiner Name:	WELLS, NIKITA	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	2881	Location Date:	04-08-2004
Confirmation Number:	6360	Earliest Publication No:	US 2002-0090194 A1
Attorney Docket Number:	IL-10626	Earliest Publication Date:	07-11-2002
Class/ Sub-Class:	250/505.1	Patent Number:	-
First Named Inventor:	Toshiki Tajima, Alamo, CA	Issue Date of Patent:	-
Title Of Invention:	Laser driven ion accelerator		

Select Search Option

Continuity Data

File History		
Number	Date	Contents Description
18	04-05-2004	Mail Abandonment for Failure to Respond to Office Action
17	04-04-2004	Abandonment for Failure to Respond to Office Action
16	07-17-2003	Mail Non-Final Rejection
15	07-14-2003	Non-Final Rejection
14	06-17-2003	Date Forwarded to Examiner
13	06-09-2003	Response to Election / Restriction Filed
12	05-29-2003	Mail Restriction Requirement
11	05-28-2003	Requirement for Restriction / Election
10	05-09-2003	Transfer Inquiry to GAU
9	01-08-2001	Information Disclosure Statement (IDS) Filed
8	06-03-2002	Case Docketed to Examiner in GAU
7	05-29-2002	Case Docketed to Examiner in GAU
6	05-07-2001	Application Dispatched from OIPE
5	04-26-2001	Correspondence Address Change
4	04-26-2001	Correspondence Address Change
3	02-26-2001	Correspondence Address Change
2	01-29-2001	IFW Scan & PACR Auto Security Review
1	01-08-2001	Initial Exam Team nn

[|.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

IL-10646
 RL- _____ S- 94,212 OTHER _____

APPLICANTS: Toshi Tajima

TITLE: ION ACCELERATOR AND METHOD THEREOF
~~Ion Accelerator and Method Thereof~~
~~Ion Accelerator and Method Thereof~~

Provisional Title: Laser Driven Accelerator
 Provisional No.: 60/224386 Filed: 8/9/00

SER. NO.: 09/757150 FILED: 1/8/01 PAT. NO.: _____ ISSUED: _____

☐ CONTINUATION ☐ DIVISION ☐ C-I-P

S.N.: _____ FILED: _____

OTHER RELATED CASES: _____

WAIVER PETITIONS: _____ REQUESTED BY: _____ GRANTED: 10/5/00

FOREIGN FILINGS: _____

INTL. APP. NO.: _____ FILING DATE: _____

COUNTRIES: _____

PROSECUTION:	PREPARED BY	RESPONSE DUE	DATE SUBMITTED
IDS			<u>7/8/01</u>
Supplemental IDS			<u>4/12/01</u>
First Office Action w/ Restrictions	<u>5/29/03</u>	<u>6/29/03</u>	<u>6/10/03</u>
Notice of Abandonment	<u>4/5/04</u>	<u>5/5/04</u>	

COMMENTS: Abeyant status by DOE until 11/15/01
IL-10646 was combined into this case.

EL533020182US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshiki Tajima
Serial No.:
Filed:
Attorney: Docket No.: IL-10626
Group Art Unit:
Examiner:

For: Ion Accelerator and Method Thereof

RECEIPT IS HEREBY ACKNOWLEDGED OF THE FOLLOWING:

1. Recordation Cover Sheet w/Assignment
2. New Application Transmittal (in duplicate)
3. Verified Statement Claiming Small Entity Status
4. Application (Specification 28 pages, Claims 17 pages, Abstract 1 page)
Combined Declaration and Power of Attorney, Eight (8) sheets of formal drawings
5. Information Disclosure Statement (1 page)
6. Form PTO-1449 (1 page) a) 12 U.S. Patents, b) 2 Foreign Patents,
c) 2 Other Disclosures
7. Express Mail Certificate
8. Return postcard

Express Mail No.: EL533020182US

Attorney: CJH/kr

Date Mailed: 1/8/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshiki Tajima
Serial No.:
Filed:
Attorney: Docket No.: IL-10626
Group Art Unit:
Examiner: LLNL L.G.

For: Ion Accelerator and Method Thereof

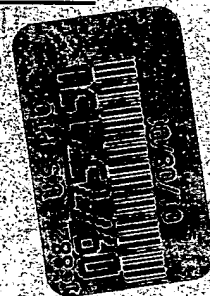
RECEIPT IS HEREBY ACKNOWLEDGED OF THE FOLLOWING:

1. Recordation Cover Sheet w/Assignment
2. New Application Transmittal (in duplicate)
3. Verified Statement Claiming Small Entity Status
4. Application (Specification 28 pages, Claims 17 pages, Abstract 1 page)
Combined Declaration and Power of Attorney, Eight (8) sheets of formal drawings
5. Information Disclosure Statement (1 page)
6. Form PTO-1449 (1 page) a) 12 U.S. Patents, b) 2 Foreign Patents,
c) 2 Other Disclosures
7. Express Mail Certificate
8. Return postcard

Express Mail No.: EL533020182US

Attorney: CJH/kr

Date Mailed: 1/8/01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshiki Tajima

Attorney
Docket No.: CIL-10626

Serial No.:

Group Art Unit:

Filed:

Examiner:

For: Ion Accelerator and Method Thereof

RECEIPT IS HEREBY ACKNOWLEDGED OF THE FOLLOWING:

1. Supplemental Information Disclosure Statement (1 page)
2. Form PTO-1449 (1 page)
 - a) 1 Foreign Patent Document
3. Certificate of Mailing
- 4. Return Postcard

Express Mail No.:

Attorney: CJH/kr

Date Mailed:

1/12/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshiki Tajima

Attorney
Docket No.: CIL-10626

Serial No.:

Group Art Unit:

Filed:

Examiner:

For: Ion Accelerator and Method Thereof

RECEIPT IS HEREBY ACKNOWLEDGED OF THE FOLLOWING:

1. Supplemental Information Disclosure Statement (1 page)
2. Form PTO-1449 (1 page)
 - a) 1 Foreign Patent Document
3. Certificate of Mailing
4. Return Postcard

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FEB 06 2001

LLNL - I. P. L. G.

Express Mail No.:

Attorney: CJH/kr

Date Mailed:

1/12/01



EV268204529US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshiki Tajima
Serial No.: 09/757,150
Filed: 01/08/2001
For: LASER DRIVEN ION ACCELERATOR

Attorney
Docket No.: IL-10626
Group Art Unit: 2881
Examiner: Nikita Wells

RECEIPT IS HEREBY ACKNOWLEDGED OF THE FOLLOWING:

- 1). Response to Restriction Requirement w/Express Mail Certificate (2 pages)
- 2). Return postcard

Express Mail No.: EV268204529US

Attorney: EES/kr

Date Mailed: June 9, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshiki Tajima
Serial No.: 09/757,150
Filed: 01/08/2001
For: LASER DRIVEN ION ACCELERATOR

Attorney
Docket No.: IL-10626
Group Art Unit: 2881
Examiner: Nikita Wells

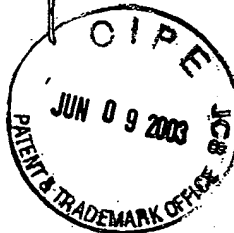
RECEIPT IS HEREBY ACKNOWLEDGED OF THE FOLLOWING:

- 1). Response to Restriction Requirement w/Express Mail Certificate (2 pages)
- 2). Return postcard

RECEIVED

JUN 17 2003

LLNL-I.P.L.G.



Express Mail No.: EV268204529US

Attorney: EES/kr

Date Mailed: June 9, 2003

LLNL Patent Group - Patent Tracking ATTACHMENT C

IL- 10626	<input type="text"/>	IL Type <input type="text"/>	Non-Lab Inventor <input type="checkbox"/>	Cont. App. <input type="text"/>	Assignee UC/IP&C
AIPA Applies <input type="text"/>	RL- <input type="text"/>	S- 94212	UC- <input type="text"/>		
Attorney Scott			Date Attorney Assigned 7/11/2000		
ROI Title Laser Driven Compact Ion Accelerator with a Fiber					
Inventors Toshiki Tajima			Non-LLNL Inventors <input type="text"/>		
Patent Status Notice of Abandonment--resp. due 5/5/2004 (kr). First Office Action w/restriction--resp due 6/29/2003 (ns) Response sent 6/9/2003 (kr). Notice of publication of application mailed 7/11/2002 (am). Application mailed 1/8/2001. Provisional application express mailed to PTO 8/9/2000. Abeyant status until 11/15/2001					
Patent App. Title Provisional title: Laser Driven Accelerator Patent application title: Laser Driven Ion Accelerator					
Case Combined With <input type="text"/>					
Related Cases <input type="text"/>					
Attorney Comments <input type="text"/>					IL Numl 10626
Miscellaneous Information Toshiki Tajima has left lab, his cell phone is (925) 997-2548. This case was combined with IL-10646. possibly initiated bar dates: 10/98, 1/14/99, 4/22/99 Case originally belonged to Chris Horgan.					
Account Nos. 4261-97		Directorate PAT (Lasers)		BandR No. AT5015033	
No Interest by IPAC <input type="text"/>		Inactivated by IPAC <input type="text"/>		Inactivated by DOE <input type="text"/>	
Abandoned by <input type="text"/>		Date Abandoned <input type="text"/>			
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Rights Requested 8/17/2000		Type Election		Rights Granted 10/5/2000	
Confirmatory License <input type="text"/>		Requested Directorate 1		Application Mailed 1/8/2001	
Provisional Serial No. 60/224386		Provisional Filing Date 8/9/2000		Priority <input type="text"/>	
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Patent No. <input type="text"/>		Issue Date <input type="text"/>		Bar Date 2 <input type="text"/>	
		check priority date		Bar Date 3 <input type="text"/>	
Publication Cite <input type="text"/>		Publication Date <input type="text"/>		EUVL <input type="text"/>	
				EUVL Assignee <input type="text"/>	
Portfolio <input type="text"/>					

DUE DATES

IDS Due **4/8/2001**

IDS Sent **1/8/2001**

IL Number

10626

LLNL Patent Group - Patent Tracking

Restriction Req.	5/29/2003	Restriction Req. Sent	6/9/2003
First Office Action		First OA Sent	
Second Office Action		Second OA Sent	
Third Office Action		Third OA Sent	
Fourth Office Action		Fourth OA Sent	
Final Office Action		Final OA Sent	
Notice of Appeal Due		Notice of Appeal Sent	
Appeal Brief Due		(Check Response Due)	
		Appeal Brief Sent	

CPA Filed		RCE filed	
1st CPA OA		1st CPA OA Sent	
2nd CPA OA		2nd CPA OA Sent	
Final CPA OA		Final CPA OA Sent	
		1st RCE OA	
		2nd RCE OA	
		Final RCE OA	
		1st RCE OA Sent	
		2nd RCE OA Sent	
		Final RCE OA Sent	
Notice of Allowance		Notice of Allowance Sent	
Notice of Allowability		Notice of Allowability Sent	
Multiple Due Dates			
Response Due	5/5/2004	<input type="checkbox"/>	FOA NOA

MAINTENANCE FEES

Three Yr Fee Due		Three Yr Fee Paid		IL Number	10626
Seven Yr Fee Due		Seven Yr Fee Paid		Three Year Amount	
Eleven Yr Fee Due		Eleven Yr Fee Paid		Seven Year Amount	
Small Entity	<input type="checkbox"/> Yes <input type="checkbox"/> No			Eleven Year Amount	

IP&C INFORMATION

Licensee		Licensing Specialist	Randall Elder
		Date Assigned	
Search Requested		Search Completed	
		Search Sent To	
Last Modified Date	4/7/2004	Last Modified By:	Kathy
Abstract		Last Modified Time	2:37:27 PM
11/5/99			

Patent Application		U.S. Patent	
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LLNL PATENT GROUPWork Completed

For the Period July 1, 2003 to July 31, 2003

10387	(Wolfe) Notice of Allowability--resp due 9/23/2003 (ns) Drawings submitted 7/16/2003 (kr).
10517	7/17/2003: Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action mailed (kr).
10632	(Miles) Final Office Action--resp due 8/8/2003 (ns) Response was to file RCE 7/18/2003 (kr).
10680	(Ault) (Second)RCE :First Office Action--resp due 9/5/2003 (ns) Response sent 7/9/2003 (kr).
10739	(Mariella Jr) Notice to Comply with Requirements for App containing Nucleotide Sequence-- resp due 8/5/2003 (ns) Response sent 7/24/2003 (kr).
10786	(Peterson) Notice of Allowability--resp due 10/1/2003 (ns) Drawings submitted 7/16/2003 (kr)

EUVL Prosecution Sent to PTO:Pending Outside Law Firm Actions - Hold for Confirmation/Date of CompletionPending Prosecution:

6/26/2003	10517	(Benett) Notice of Allowance--resp due 6/26/2003 (ns)
6/26/2003	10517	(Benett) Notice of Allowability--resp due 6/26/2003 (ns)
8/13/2003	10715	(Colston) First RCE Office Action--resp due 8/13/2003 (ns)
8/27/2003	10713	(Kamath) First office action--resp due 8/27/2003 (ns)
8/29/2003	10714	(Kamath) First office action--resp due 8/29/2003 (ns)
9/2/2003	10768	(Toor) Notice of Allowance, Notice of Allowability--resp due 9/2/2003 (ns)

LLNL PATENT GROUP

Work Completed

For the Period July 1, 2003 to July 31, 2003

9/2/2003	10768	(Toor) Notice of Allowance, Notice of Allowability--resp due 9/2/2003 (ns)
9/13/2003	10592	(Holzrichter) First Office Action--resp. due 9/13/2003 (kr).
9/16/2003	10836	(Chinn) First Office Action--resp due 9/16/2003 (ns)
9/16/2003	10737	(Payne) First Office Office--resp 9/16/2003 (ns)
9/17/2003	10406	(Miles) Final Office Action--resp. due 9/17/2003 (kr).
9/17/2003	10537	(Mariella Jr) First Office Action--resp du 9/17/2003 (ns)
9/20/2003	10791	(Hackel) First Office Action--resp due 9/20/2003 (ns)
9/22/2003	9402	(McCarthy) Notice of Allowance --resp 9/22/2003 (ns)
9/22/2003	9402	(McCarthy) Notice of Allowability--resp 9/22/2003 (ns)
9/23/2003	10387	(Wolfe) Notice of Allowance --resp due 9/23/2003 (ns)
9/24/2003	11037	(Tovar) PCT Demand – resp. due 9/24/2003 (tw)
9/25/2003	11038	(Maghribi) PCT Demand—resp due 9/25/2003
9/27/2003	10719	(Chang) First RCE Office Action--esp due 9/27/2003 (ns)
9/29/2003	10889	(DaSilva) Notice of Allowance --resp due 9/29/2003 (ns)
9/29/2003	10889	(DaSilva) Notice of Allowability--resp due 9/29/2003 (ns)
10/1/2003	10786	(Peterson) Notice of Allowance --resp due 10/1/2003 (ns)
10/1/2003	10538	(Mariella Jr.) First Office Action--resp due 10/1/2003 (ns)
10/9/2003	10794	(Tillotson) First Office Action—resp.due 10/9/2003 (tw)
10/14/2003	10756	(Hackel) Notice of Allowance—resp. due 10/14/2003(tw)
10/14/2003	10756	(Hackel) Notice of Allowability—resp. due 10/14/2003(tw)
10/14/2003	10715B	(Colston) Office Action—resp. due 10/14/2003(tw)
10/18/2003	10882	(Hartemann) First Office Action--resp. due 10/18/2003 (am)
10/28/2003	10569B	(Seward) Notice of Allowance--resp. due 10/28/2003 (am)
10/28/2003	10569B	(Seward) Notice of Allowability--resp. due 10/28/2003 (am).
10/29/2003	9819	(Thomas) Notice of Allowance--resp. due 10/29/2003 (am)
10/29/2003	9819	(Thomas) Notice of Allowability--resp. due 10/29/2003 (am)

LLNL PATENT GROUP
Work Completed
For the Period August 1, 2003 to August 30, 2003

Pending Prosecution:

9/13/2003	10592	(Holzrichter) First Office Action--resp. due 9/13/2003 (kr).
9/16/2003	10836	(Chinn) First Office Action--resp due 9/16/2003 (ns)
9/16/2003	10737	(Payne) First Office Office--resp 9/16/2003 (ns)
9/17/2003	10406	(Miles) Final Office Action--resp. due 9/17/2003 (kr).
9/17/2003	10537	(Mariella Jr) First Office Action--resp du 9/17/2003 (ns)
9/20/2003	10791	(Hackel) First Office Action--resp due 9/20/2003 (ns)
9/20/2003	11082	(Fischer) 8/27/2003: IPAC has notified us to proceed with the Provisional PCT and Demand filing. Due 9/20/2003.
9/25/2003	11038 FOR	(Maghribi) PCT Demand--resp due 9/25/2003
9/27/2003	10719	(Chang) First RCE Office Action--esp due 9/27/2003 (ns)
9/29/2003	10889	(DaSilva) Notice of Allowance --resp due 9/29/2003 (ns)
9/29/2003	10889	(DaSilva) Notice of Allowability--resp due 9/29/2003 (ns)
10/1/2003	10786	(Peterson) Notice of Allowance --resp due 10/1/2003 (ns)
10/1/2003	10538	(Mariella Jr.) First Office Action--resp due 10/1/2003 (ns)
10/9/2003	10794	(Tillotson) First Office Action--resp.due 10/9/2003 (tw)
10/14/2003	10756	(Hackel) Notice of Allowance--resp. due 10/14/2003(tw)
10/14/2003	10756	(Hackel) Notice of Allowability--resp. due 10/14/2003(tw)
10/14/2003	10715B	(Colston) Office Action--resp. due 10/14/2003(tw)
10/15/2003	10964 FOR	8/6/2003: IPAC has notified us to proceed with the PCT and Demand filings. Due date is 10/15/2003. ES, KR,AT notified (ns)
10/18/2003	10882	(Hartemann) First Office Action--resp. due 10/18/2003 (am)
10/28/2003	10569B	(Seward) Notice of Allowance--resp. due 10/28/2003 (am)
10/28/2003	10569B	(Seward) Notice of Allowability--resp. due 10/28/2003 (am)
10/29/2003	9819	(Thomas) Notice of Allowance--resp. due 10/29/2003 (am)
10/29/2003	9819	(Thomas) Notice of Allowability--resp. due 10/29/2003 (am)
11/6/2003	10732	(Chang) Third Office Action--resp. due 11/9/2003 (am)
11/3/2003	10387 FOR	8/7/2003: RFE for China due by 11/3/2003 (ns)
	China	
11/11/2003	10581	(Krulvitch) Final Office Action--resp due 11/11/2003 (am)
11/12/2003	10330	(Miles) Notice of Allowability--resp. due 11/12/2003 (am).
11/12/2003	10330	(Miles) Notice of Allowance--resp. due 11/12/2003 (am).
11/12/2003	10632	(Miles) New Office Action--resp. due 11/12/2003 (am)
11/15/2003	10888	(DaSilva) First Office Action--resp. due 11/15/2003 (kr).
11/18/2003	11041 FOR	8/6/2003: IPAC has notified us to proceed with the Provisional PCT and Demand filings. PCT Demand due 11/18/2003 (kr).
11/19/2003	10492	(Maitland) First Office Action--resp. due 11/19/2003 (kr).
11/21/2003	11052 FOR	(Langlois) PCT Request filed 8/21/2003. PCT Demand due 11/21/2003 (kr).
11/22/2003	10624	(Hrubesh) Second Office Action--resp. due 11/22/2003 (am)
11/26/2003	10625	(Seward) Final Office Action--sp. due 11/26/2003 (am)

LLNL PATENT GROUP

Work Completed

For the Period September 1, 2003 to September 30, 2003

EUVL Prosecution Sent to PTO:

Pending Outside Law Firm Actions - Hold for Confirmation/Date of Completion

Pending Prosecution:

10/14/2003	10756	(Hackel) Notice of Allowance--resp. due 10/14/2003(tw)
10/18/2003	10882	(Hartemann) First Office Action--resp. due 10/18/2003 (am)
11/6/2003	10732	(Chang) Third Office Action--resp. due 11/9/2003 (am)
11/3/2003	10387 FOR	8/7/2003: RFE for China due by 11/3/2003 (ns)
	China	
11/11/2003	10581	(Krulvitch) Final Office Action--resp due 11/11/2003 (am)
11/12/2003	10330	(Miles) Notice of Allowability--resp. due 11/12/2003 (am).
11/12/2003	10330	(Miles) Notice of Allowance--resp. due 11/12/2003 (am).
11/12/2003	10632	(Miles) New Office Action--resp. due 11/12/2003 (am)
11/15/2003	10888	(DaSilva) First Office Action--resp. due 11/15/2003 (kr).
11/18/2003	11041 FOR	8/6/2003: IPAC has notified us to proceed with the Provisional PCT and Demand filings. PCT Demand due 11/18/2003 (kr).
11/15/2003	11082	(Fischer) 8/27/2003: IPAC has notified us to proceed with the Provisional PCT and Demand filing. PCT due 11/15/2003.
11/21/2003	11052 FOR	(Langlois) PCT Request filed 8/21/2003. PCT Demand due 11/21/2003 (kr).
11/22/2003	10624	(Hrubesh) Second Office Action--resp. due 11/22/2003 (am)
11/26/2003	10625	(Seward) Final Office Action--sp. due 11/26/2003 (am)
11/27/2003	10680	(Ault) Final Office Action--resp. due 11/27/2003 (am)
11/29/2003	10964 FOR	8/6/2003: IPAC has notified us to proceed with the PCT and Demand filings. Due date is 10/15/2003. ES, KR, AT notified (ns) PCT Request mailed 9/29/2003 (kr). PCT Demand due 11/29/2003 (kr).
11/30/2003	11093 FOR	9/15/2003: IPAC has notified us to file the Provisional PCT and Demand filing. Due 10/4/2003. ES, KR, AT notified (ns). PCT Request filed 9/30/2003 (kr). PCT Demand due 11/30/2003 (kr).
	PCT	
11/30/2003	10461 FOR	9/9/2003: IPAC has notified us to proceed with the PCT and Demand filings. Due date is 10/4/2003. ES, KR, AT notified (ns) PCT Request filed 9/29/2003 (kr).
	PCT	
12/5/2003	10698	(Lemoff) First Office Action--resp. due 12/5/2003 (am)
12/5/2003	10714	(Kamath) Final Office Action--resp. due 12/5/2003 (am)
12/5/2003	10081B	(Burnett) First Office Action--resp. due 12/5/2003 (am)
12/12/2003	10753	(Berryman) First Office Action--resp. due 12/12/2003 (am)
12/16/2003	10373	(Miles) First Office Action--resp. due 12/16/2003 (am)
12/28/2003	10859	(Adams) Second Office Action --resp. due 12/25/2003 (am)



U.S. Patent &
Trademark Office
EIC 2800 CP4-9C18
Fax # 703-308-6097

Fax

To: Eddie Scott From: Nikita Wells
Fax: 1 (925) 423-2231 Pages: 1 - 7
Phone: 1 (925) 424-6897 Date: March 26, 2004
Re: App. No. 09/757,150 CC: Docket No. IL 10626
☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Enclosed please find a copy of the
Non-Final Rejection that was mailed out
July 17, 2003.

I am required to file a notice of Abandonment.
You have to file a petition under 37CFR 1.181(a)
requesting a withdrawal of the abandonment.

Nikita Wells 03/26/04

NIKITA WELLS
PRIMARY EXAMINER

Art unit 2881
(571) 272-2404

DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 40-42, 48-50, 66-68, and 88-90, are rejected under 35 U.S.C. 103(a) as being unpatentable over Umstadter et al. (5,789,876) in view of Schultheiss et al. (5,576,593), and further in view of Slatkin et al. (5,339,347) and S.B. Segall (4,215,274).

With respect to claims 40-42 and 48-50, Umstadter et al. disclose (Abstract; Figs. 4 and 17; Col. 1, line 36-42; Col. 10, lines 18-37;) an accelerator comprising: a laser system (200); a target (310) to receive a laser pulse from said laser system (200); and a beam transport system operatively coupled to said target (310). Umstadter et al. also disclose that the transport system is capable of delivering energy of the electron beam up to 3 GeV (see Col. 1, line 36-42) while the Applicant's claim 48 teaches that the transport system has the capacity of delivering energy in the range of approximately 10 to approximately 500 MeV. Umstadter et al. fail to disclose that the target has a first layer and a second layer and that the laser pulse is capable of producing an energy per laser shot of between approximately 1 and 10 Joules. However, Schultheiss et al. disclose that the target has a first layer and a second layer (Col. 6, lines 40-45) and that the laser pulse capable of producing 1 and 10 Joules of energy (Col. 7, lines 8-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize and substitute the apparatus for accelerating charged particles of Schultheiss et al. into the apparatus for generating and accelerating ultra-short electron pulses of Umstadter et al. in order to obtain optimum acceleration of the electrons in a shorter distance thus allowing a much smaller overall apparatus.

With respect to claims 66-68, Umstadter et al. disclose (Abstract; Figs. 4 and 17; Col. 1, line 36-42; Col. 10, lines 18-37) an accelerator comprising: a laser system (200); a target (310) to receive a laser pulse from said laser system (200); and a beam transport system, but fail to disclose that the beam transport system is capable of delivering energy which may penetrate about 10 to about 20 cm beneath the surface of skin tissue in a treatment field, delivering energy to produce a dose per shot at a treatment field in the range of about .1 to about 10 Gy, or a dose per second at a treatment field of approximately .1 to approximately 100 Gy/second. However, Slatkin et al. disclose beam transport system which is capable of delivering energy which may penetrate about 10 to about 20 cm beneath the surface of skin tissue in a treatment field (Col. 7, lines 54-61), delivering energy to produce a dose per shot in the range of .1 to 10 Gy (Col. 2, lines 27-32), or a dose per second of .1 to 100 Gy/second (Col. 2, lines 45-48).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize and substitute the method for performing radiation therapy on a patient of Slatkin et al. into the apparatus for generating and accelerating ultra-short electron pulses of Umstadter et al. in order to deliver the optimum dose and dose rate at a treatment field in a patient.

With respect to claims 88-90, Slatkin et al. disclose beam transport system which is capable of delivering energy which may penetrate beneath the surface of skin tissue in a treatment, but fail to disclose that the pulse is guided through a fiber optic section to the target in a treatment field. However, S.B. Segall discloses (claim 42; Col. 14, line 57 to Col. 15, line 4; and Col. 19, lines 53-59) the delivery of energy where the pulse is guided through a fiber optic section to the target.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize and substitute the delivery of energy where the pulse is guided through a fiber optic section to the target of S.B. Segall into the method for performing radiation therapy on a patient of Slatkin et al. in order to deliver the optimum dose and dose rate at a treatment field in a patient.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rentzepis et al. (5,930,331) disclose a compact high-intensity pulsed X-ray source utilizing a pulsed laser to accelerate an electron beam.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (703) 305-0416. The examiner can normally be reached 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (703) 308-4116. . The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular

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communications and (703) 872-9319 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Nikita Wells

Examiner, Art Unit 2881

July 8, 2003

Notice of References Cited	Application/Control No. 09/757,150	Applicant(s)/Patent Under Reexamination TAJIMA, TOSHIKI	
	Examiner Nikita Wells	Art Unit 2881	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,789,876	08-1998	Umstadter et al.	315/507
	B	US-5,576,583	11-1996	Schultheiss et al.	313/231.31
	C	US-5,339,347	08-1994	Slatkin et al.	378/65
	D	US-4,215,274	07-1980	Segall, Stephen B.	250/361R
	E	US-5,930,331	07-1999	Rentzepis et al.	378/136
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Office Action Summary	Application No. 09/757,150	Applicant(s) TAJIMA, TOSHIKI	
	Examiner Nikita Wells	Art Unit 2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 1-39, 43-47, 51-65 and 69-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-42, 48-50, 66-68 and 88-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 40-42, 48-50, 66-68 and 88-90 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 and 2. 6) ☐ Other: